

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

08 CV 01972

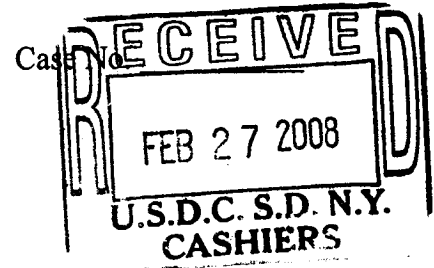
AXA EQUITABLE LIFE INSURANCE COMPANY,
AXA NETWORK, LLC & AXA NETWORK OF
TEXAS, INC.,

Plaintiffs,

v.

RICHARD EHRLICH

Defendant.



DEFENDANT RICHARD EHRLICH'S NOTICE OF REMOVAL

Defendant Richard Ehrlich ("Mr. Ehrlich"), by undersigned counsel, pursuant to 28 U.S.C. §§ 1441, 1446, files this Notice of Removal of this action from the Supreme Court of the State of New York for the County of New York to the United States District Court for the Southern District of New York. In support thereof, Mr. Ehrlich states as follows:

1. Mr. Ehrlich is named as a defendant in an action styled *AXA Equitable Insurance Company, AXA Network, LLC and AXA Network of Texas, Inc. v. Richard Ehrlich*, Index No. 08/600176. This action was filed in the Supreme Court of the State of New York for the County of New York on January 18, 2008.

2. Plaintiff AXA Equitable Insurance Company was, at the time this action was commenced, and still is, a company organized under the laws of the State of New York, with its principal place of business located in the State of New York. AXA Equitable Insurance Company is, therefore, a citizen of the State of New York.

3. Plaintiff AXA Network of Texas, Inc. was, at the time this action was commenced, and still is, a company organized under the laws of the State of Texas, with its principal place of business located in the State of New York. AXA Network of Texas, Inc. is, therefore, a citizen of the State of Texas and the State of New York.

4. Plaintiff AXA Network, LLC was, at the time this action was commenced, and still is, a limited liability company organized under the laws of the State of Delaware, with its principal place of business located in the Commonwealth of Pennsylvania. As a limited liability company, AXA Network, LLC has the same citizenship as its members. *See Handelsman v. Bedford Village Assocs. Ltd. P'ship*, 213 F.3d 48, 51-52 (2d Cir. 2000).

5. On information and belief, the sole member of AXA Network, LLC is AXA Distribution Holding Corporation. AXA Distribution Holding Corporation was, at the time this action was commenced, and still is, a corporation organized under the laws of the State of Delaware with its principal place of business located in the State of New York. AXA Distribution Holding Corporation is, therefore, a citizen of the State of Delaware and the State of New York. AXA Network, LLC is, therefore, also a citizen of the State of Delaware and the State of New York.

6. Mr. Ehrlich was, at the time this action was commenced, and still is, an individual who resides at 20201 East Country Club Drive, Apartment 201, Aventura, Florida 33180, and is domiciled in the State of Florida. Mr. Ehrlich is, therefore, a citizen of the State of Florida.

7. The amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs, because the Complaint seeks damage in an amount that is no less than \$948,088.

8. This is a civil action over which the district courts of the United States have original jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332 because the plaintiffs and the defendant are citizens of different states and the amount in controversy between the parties exceeds \$75,000.00 exclusive of interest and costs.

9. Pursuant to 28 U.S.C. § 1441, *et seq.*, Mr. Ehrlich has the right to remove this action from the Supreme Court of the State of New York for the County of New York to the United States District Court for the Southern District of New York.

10. Mr. Ehrlich was served with process in this matter on January 29, 2008. This notice of removal is, therefore, timely because it is filed within 30 days after Mr. Ehrlich received notice of this action.

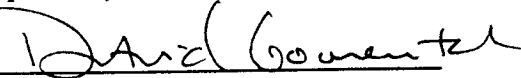
11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Mr. Ehrlich are attached to this Notice of Removal as Exhibit A.

12. Pursuant to 28 U.S.C. § 1446(b), Mr. Ehrlich will give notice promptly upon filing this Notice of Removal, to all parties of record and to the Clerk of the Supreme Court of the State of New York for the County of New York. A copy of this notice is attached as Exhibit B.

WHEREFORE, please take notice that this action should proceed in the United States District Court for the Southern District of New York as an action properly removed thereto pursuant to 28 U.S.C. § 1441.

Dated: February 27, 2008

Respectfully submitted,

/s/ 

David Gourevitch (Bar No. DG 8795)
Law Office Of David Gourevitch, P.C.
150 East 58th Street, 34th Floor
New York, NY 10155
Telephone: (212) 355-1300
Facsimile: (212) 317-2946
david@gourevitchlaw.com

Of Counsel:
Thomas J. Judge
M. David Maloney
Thompson, Loss & Judge, LLP
Two Lafayette Centre
1133 21st Street, N.W.
Suite 450
Washington, D.C. 20036
Telephone: (202) 778-4060
Facsimile: (202) 778-4099

Counsel for Richard Erhlich

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February 2008, I caused to be served a true and accurate copy of the foregoing Defendant Richard Ehrlich's Notice to Removal by first class mail, postage prepaid, to:

Joseph Petersen, Esquire
Christopher Lick, Esquire
Kilpatrick Stockton LLP
31 West 52nd Street, 14th Floor
New York, New York 10019

Counsel for AXA Equitable Life Insurance Company,
AXA Network, LLC and AXA Network of Texas, Inc.

/s/
David Gourevitch (Bar No. DG 8795)